

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

NEXTERA ENERGY CAPITAL
HOLDINGS, INC., et al.,

Plaintiffs,

V.

KATHLEEN JACKSON, *in her official capacity as
Commissioner of the Public Utility Commission of
Texas*, et al.,

Defendants.

1:19-CV-626-DII

FINAL JUDGMENT

On this date, the Court issued an order denying Defendant-Intervenors Southwestern Public Service Company and Entergy Texas, Inc.'s motion for judgment on the pleadings, (Dkt. 225), and granting Plaintiff NextEra's¹ motion for judgment on the pleadings, (Dkt. 212).² Accordingly, the Court renders final judgment pursuant to Federal Rule of Civil Procedure 58.

IT IS ORDERED that judgment is awarded in favor of NextEra and Plaintiff-Intervenors LSP Transmission Holdings II, LLC and East Texas Electric Cooperative, Inc.

IT IS FURTHER ORDERED that the Court enters the following declaration:

Utilities Code § 37.051, § 37.056, § 37.057, § 37.151, and § 37.154 are unconstitutional because they violate the dormant Commerce Clause and are therefore invalid and unenforceable, to the extent they grant in-state transmission owners the exclusive right to build or acquire transmission lines in the non-ERCOT regions of Texas.

¹ Plaintiffs NextEra Energy Capital Holdings, Inc., NextEra Energy Transmission, LLC, NextEra Energy Transmission Midwest, LLC, Lone Star Transmission, LLC, and NextEra Transmission Southwest, LLC (collectively, “NextEra”).

² Plaintiff-Intervenor LSP Transmission Holdings II, LLC's and East Texas Electric Cooperative, Inc. joined NextEra's motion for judgment on the pleadings. (*See* Dkt. 220, at 3).

IT IS FINALLY ORDERED that the Court enters the following permanent injunction:

Defendants are enjoined from enforcing the unconstitutional provisions of Utilities Code § 37.051, § 37.056, § 37.057, § 37.151 and § 37.154 in the non-ERCOT regions of Texas.

The Court retains jurisdiction to enforce its permanent injunction. This case is now **CLOSED.**

SIGNED on October 28, 2024.

A handwritten signature in blue ink, appearing to read "Robert Pitman", written over a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE